



WILCOX & FETZER LTD.

In the Matter Of:

Mongelli

V.

Red Clay Consolidated School District

C.A. # 05-359-SLR

Transcript of:

Mongelli, Christina

December 26, 2006

Wilcox & Fetzer, Ltd.
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Christina Mongelli

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1 loads of gift cards as, you know, rewards.

2 Q. Did you like the job there?

3 A. Yes.

4 Q. What happened in September, I assume it is of
5 '06?

6 A. Yes.

7 Q. Am I correct you were terminated from Bank of
8 America at some point during the year of 2006?

9 A. Yes.

10 Q. And, of course, we know that MBNA was sold to
11 Bank of America, so you became a Bank of America
12 employee?

13 A. Right.

14 Q. Tell me what happened that led to your dismissal.

15 A. There are three things. The first is that Bank
16 of America learned of my lawsuit against the Red Clay
17 School District. I was called into the vice president's
18 office of MBNA, Bank of America, and they told me,
19 because I, I -- they learned of it because I told Candace
20 Russell, she was my first manager, because they weren't
21 giving me days off, like just to go to a deposition.
22 They put me on a waiting list. They have a very strict
23 attendance policy, and they had to know the reason why I
24 wanted these days off.

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1 A. Yes, several co-workers.

2 Q. What kind of comments were they making?

3 A. They said, "Oh, with all the money you make, you
4 should be taking us out to lunch."

5 They checked, because they give out the stat
6 reports to everybody on the floor, they see exactly your
7 score on each aspect of the job, how much you sell, the
8 percentage, time on the phone, time off the phone. They
9 just see, they see all the stats and they would just
10 comment on the sales. And this was becoming a daily
11 thing.

12 Q. So you said you complained to a female manager?

13 A. Yes.

14 Q. Who was that?

15 A. Manisha Antani.

16 Q. What did you complain about?

17 A. I said it is -- oh, and they made comments that I
18 suck up to the customers.

19 Q. These are your co-workers?

20 A. Yes. That, some of the ladies said, she said
21 that -- oh, she says that -- she tells the customers that
22 she doesn't have to -- they don't have to pay the loans
23 back. And this is someone who I really didn't even know.
24 They were just like -- I didn't know her at all. She

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1 also said things about other people. Anybody who is a
2 top seller there, there is a great deal of jealousy.

3 Q. What else were they saying?

4 A. There was another male co-worker, right across
5 from me, he listened to every word I said. He could
6 repeat what I said to each customer.

7 Q. Who was that?

8 A. Marcus. His name was Marcus.

9 Q. What is his last name?

10 A. McCullough. And I complained about him.

11 Q. He could remember everything you said word for
12 word?

13 A. Right. And he used to make lots of comments on
14 my sales. Because he was also a good performer, so he
15 was competing with me.

16 Q. And what comments would he make on your sales?

17 A. He said, "Oh, I taught you how to sell." I said,
18 "You didn't teach me anything. You weren't -- you just
19 sat next to me."

20 This was the first two weeks, you know, that
21 he said -- they also change seats, as they keep changing
22 things there, so he just sat near me. He said, "You
23 learned it from us guys, how to sell." I said, "I
24 learned" -- I said, "I knew how to sell long before you

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1 guys came along."

2 Q. You said it was after you changed physical
3 location of your seat?

4 A. Right.

5 Q. Now, am I right that you are sort of an open
6 area, with cubicles of some kind?

7 A. Right.

8 Q. You are sitting at a computer with a phone?

9 A. Yes.

10 Q. So there is a number of people in the room?

11 A. Right.

12 Q. That can hear each other on the phone?

13 A. I talk very loud, so people can hear me. Yes,
14 they heard me. And he also said that -- he said, "Oh,
15 you talk -- you have a heavy New York accent. You talk
16 very loud."

17 Q. How many people were in the room? How many
18 customer sales representatives?

19 A. It was a lot. I really, I can't say. It is a
20 big room. Maybe like ten to a row, like this side, this
21 side.

22 I was -- I sat here, and then he is behind
23 me. So he would just, he would just comment on -- while
24 I'm talking to the customers, he would comment.

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1 Q. How many people, how many of your co-workers
2 complained about you, made remarks about you?

3 A. They didn't complain about me. They just made
4 remarks.

5 Q. How many made remarks?

6 A. That I know of?

7 Q. Yes.

8 A. Well, I also had good friends there that would
9 tell me what other people were saying, so that's how I
10 learned. I would say maybe about ten throughout the time
11 I was there.

12 Q. Do you know the names of the ten?

13 A. Yes. One was Marcus.

14 Q. Marcus?

15 A. But then I became very good friends with him.

16 Q. Do you know the names of any of the others?

17 A. Yes. Let me just think. It is hard to remember
18 everybody. There was a lot of people there.

19 Cheryl is another one.

20 Q. What is her last name?

21 A. It is hard to know their last names. She is a
22 middle-age woman, dark hair. I'm not sure of the last
23 name.

24 Q. All right. Who else do you remember?

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1 A. Those are the two that I complained about.

2 There is a lot of people that said different
3 things. Like Kristen was another one. What is the other
4 girl's name? Casey. Michael Hewitt.

5 Q. What did Michael say about you?

6 A. He was best friends with Marcus McCullough.

7 Q. So what did he say?

8 A. They would try to compete with me a lot about the
9 sales and say, he also said he taught me how to sell.
10 There is just -- I forget some of their names. There is
11 so many people working there.

12 Q. So what did you want MBNA to do about it when you
13 complained?

14 A. I would figure a big company would take something
15 seriously. But when I went to her about, I just went to
16 her about -- I didn't give the names of the other people,
17 but I just said the two that were annoying, I found most
18 annoying, and her response is, "Oh, you know how boys
19 are." She said, "Boys will be boys."

20 And I said, I told her, I said, "I was a
21 teacher and if I said something like that," I said, "I
22 think that's a very inappropriate comment from a manager
23 to say boys will be boys."

24 We are all men and women working together in

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1 can't believe it, you know." She said -- I was the top
2 performer. She said she can because she knows how they
3 treat people. She said she has been there long enough to
4 know how they treat people. She said, "Nobody, whether
5 they are a top performer, is worth anything to them." A
6 top manager, they got rid of the top managers. Nobody is
7 worth anything.

8 Q. Any other conversations with her about your
9 employment?

10 A. No, just that one time I met her.

11 Q. Were you informed on October 31 of 2006 that you
12 were terminated?

13 A. Yes. Terry Seeman called me.

14 Q. What did she say?

15 A. Well, she told -- oh, she also, she told me --
16 you didn't finish with the other meeting.

17 Q. We will go back to the other meeting in a minute.

18 A. The time when I had the meeting with Jackie, the
19 last I had with them.

20 Q. We will go back to that.

21 A. She said, "I'm going to request that you are
22 fired."

23 Q. Now, let me just make sure we have got the
24 sequence straight.

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1 A. Yes.

2 Q. We jumped around a little bit. Is that at the
3 point when you were placed on administrative leave?

4 A. Yes.

5 Q. Let's go through that first and then we will go
6 back to the conversation on October 31.

7 A. Mm-hmm.

8 Q. At one point you told me that Jackie and I guess
9 it was Terry were yelling at you and they were in your
10 face or something like that?

11 A. Oh, it was -- I said, I told them, I said, "I
12 have never seen anything as unprofessional as what I'm
13 witnessing right now, to scream in somebody's face." I
14 said, "No matter how bad somebody does something wrong,"
15 which I didn't, "I would never expect a professional to
16 scream in somebody else's face."

17 They wouldn't let me talk. They said, "You
18 talk enough." They said, "Now we are talking."

19 And they just screamed. She said I -- and
20 then she was being really nasty, saying very nasty
21 things.

22 Q. Who is "she" now?

23 A. Actually, both of them.

24 Q. Now, when you say screaming in your face, were

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1 Q. Anything else that happened in the conversation
2 when you were placed on administrative leave that you
3 haven't described? You told me you brought various
4 accusations out. Anything else that you --

5 A. Right. She said, "Don't. I don't want to hear
6 about it." She says, "I don't want to hear about it."
7 That's all she kept saying. "Don't even say it. Don't
8 even say it."

9 She was just rewinding the tape. She was
10 playing the same half of tape over and over again. She
11 said, "Do you see what you did wrong?" And I said, "No.
12 What did I do wrong? He asked, he said he wanted this
13 loan."

14 Q. She actually had the tape there and was playing
15 it?

16 A. Right, right.

17 Q. And you didn't see any problem with your words?

18 A. No. She said, "Oh, you are too friendly with the
19 customer." Because I was talking to the man, said he had
20 -- he was disabled or something, he was telling me about
21 his disability. His wife was a cop or he was a cop. I
22 don't remember. They were both disabled.

23 And she said, "You don't ask them that. You
24 don't talk to them like that." I said, "All the managers

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1 before me, I was praised because I had an excellent
2 rapport with the customers."

3 I have it in writing if you would like to
4 see it also. I have my six-month review in writing that
5 all these customers, I had an excellent relationship
6 with.

7 I said, "How can I get suddenly now, I'm
8 hearing a complaint about the way I'm selling or my phone
9 call." I said -- she said, "I would like to know that
10 too, how you got through." I said, "I had six different
11 managers since I've been there."

12 Q. Now, let me try to understand one thing. The
13 tape recording of the conversation with the customer
14 where they said the sale was improper, how long before
15 was that, did that occur before the time you were placed
16 on administrative leave? Do you follow me?

17 A. Can you say that again?

18 Q. You had a conversation with a customer where they
19 said you were improperly trying to sell the E block, you
20 said?

21 A. Mm-hmm.

22 Q. When did that happen in comparison to when you
23 were placed on administrative leave? Was it within a
24 week?

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1 A. That same moment.

2 Q. They must have had a tape from an earlier
3 conversation with a customer? Do you follow me? When
4 did that conversation with the customer take place?

5 A. Oh, that week.

6 Q. That week?

7 A. Yes. That same week.

8 Q. All right.

9 A. I don't know exactly when. They didn't tell me.

10 Q. I was just trying to get the picture.

11 A. But I knew it was after I reported the threat.

12 Q. But it was that same week?

13 A. Right.

14 Q. Where you had the conversation with the customer,
15 where you were later called in for the meeting where you
16 were placed on administrative leave?

17 A. Exactly.

18 Q. Did anything else come up in that meeting with
19 the two of them that you said, when you were being placed
20 on administrative leave? Any other complaints you made,
21 any other comments you made to them, or vice versa, that
22 you haven't told me about? Is there anymore to the
23 conversation, in other words, that you haven't told me
24 about on the administrative leave?

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1 A. Well, then they wouldn't let me talk anymore.
2 They said I talked enough, they would do all the talking.

3 Q. What did they say at that point?

4 A. They said they wanted me to leave immediately.
5 They said, "We don't want you disrupting the other
6 representatives and taking your stuff." I said, "I don't
7 want to work for you anymore." I said, "I do not want to
8 work for a company like this. I will take my stuff with
9 me." She said, "Why do you want to do that? It is going
10 to distract all the other representatives."

11 And then Jackie Mort, she said, "Christina,"
12 she said, "why are you taking all your personal stuff?"
13 She said, "You are not fired."

14 I said, "I do not want to work for a company
15 like this." And I took it. I had the right to take it
16 so I took them. I took all my personal belongings and
17 cleared out my desk, which I had to do in front of
18 everybody.

19 Everybody said, "Oh, my God. What
20 happened?" I mean, it was just really an embarrassing
21 situation. They walked -- they went through my
22 pocketbook. They searched -- Jackie Mort open up every
23 part of my pocketbook and searched through my pocketbook.

24 Q. So after the meeting where you were placed on

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1 administrative leave you went back to your desk and took
2 all your stuff?

3 A. Right.

4 Q. And left?

5 A. Right. They walked me out.

6 Q. And you told them you didn't want to work for a
7 company like Bank of America slash MBNA?

8 A. Right. I said, "If this is the way I'm going to
9 be treated," because she was a new manager, I said, "I
10 got along great with the two top managers before you, and
11 the other managers, I have been friends with several of
12 the managers," I said, I said, "I don't know" -- "I'm
13 sure if it is not this, you will get me on something
14 else."

15 And it is not a company -- I said, "It is
16 not an honest company, it is not a company that I want to
17 work for." I said, "With my sales, I could go -- my
18 record in sales, I could go to any other bank and work
19 for them and not be treated this way."

20 I said, "I don't want to sell, to work hard,
21 to work overtime, for a company who doesn't appreciate
22 it." And I'll go to -- I said, "There is a lot of banks
23 and I could go to any one of those banks."

24 Q. Now, after you were placed on administrative

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1 leave, you had a conversation with someone from personnel
2 who was investigating the incident with the loan; is that
3 correct? There was a guy, a man?

4 A. Yes, this is personnel. I don't know if he was
5 investigating. He said --

6 Q. You had a conversation with him?

7 A. Right.

8 Q. Now, was that by telephone? Did you come into
9 some place at MBNA?

10 A. No.

11 Q. Did he come out to see you?

12 A. Telephone. He called me about a week later.

13 Q. Tell me about that. What did he say? What did
14 you say?

15 A. It was very brief. He called me. He said, "You
16 have been placed on administrative leave and" -- well,
17 she told me at the meeting, Terry told me, she said, "You
18 are going to be put on administrative leave for two
19 weeks." So I said, "Well, what is going to happen after
20 the two weeks?" I asked him. He said, "No," he said,
21 "usually it is longer than that," which it wound up being
22 really long. Maybe six, seven weeks. Maybe about six
23 weeks.

24 So he really didn't say much. He said he

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1 would have to get a copy of the tape.

2 Oh, and another reason why they said I was
3 terminated, they said I used profanity to Jackie Mort as
4 she walked me out.

5 Q. And what did she say you said?

6 A. That I called her -- they didn't write the
7 profanity. They just said profanity. But he said on the
8 phone, he said, "Jackie Mort said you called her an
9 uneducated Nazi bitch."

10 Q. Did you do that?

11 A. I told her -- no, I never used any profanity.
12 And I told him, I said, "I will submit to a lie detector
13 test to prove that."

14 What I told her was, I said, "How could
15 somebody without a college degree think, be -- treat
16 people so poorly?"

17 What I've seen, I know she has got -- Andrea
18 told me she has no college education. She is the only
19 manager there without any college. She owned a business,
20 but she has no background in any kind of college, how to
21 deal with people. I said, "You don't know how to deal
22 with people."

23 Q. Did you call her a Nazi?

24 A. No.

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1 Q. You just said she was uneducated?

2 A. Right. So I don't even know where she got that
3 from, and I will to this day submit to a lie detector
4 test on that.

5 Q. Okay. Any other reasons they gave for your
6 dismissal?

7 A. That's it.

8 Q. Those two. Did you have anymore conversations
9 with the fellow from personnel concerning the incident,
10 other than the one you described by telephone, before
11 October 31 of 2006?

12 A. Before October?

13 Q. Between that conversation and October 31, did you
14 have any additional conversations with the person from
15 personnel who called you?

16 A. No, no. It was that one conversation. He said
17 he would have to check with the security guard who was
18 there at the time.

19 But, I mean, I was really upset. I was
20 crying hysterical. I was totally shocked that they would
21 do something like that. And he would check.

22 Lee had been my friend, the security guard
23 there, somebody who I talked to all the time. And I was
24 just shocked that they would come up with that.

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

- - -
CHRISTINA MONGELLI, :
 :
Plaintiff, : C.A. No. 05-359 SLR
 :
v. :
 :
RED CLAY CONSOLIDATED SCHOOL :
DISTRICT BOARD OF EDUCATION, :
et al., :
 :
Defendants. :
- - -

Deposition of CHAD CARMACK, taken pursuant
to notice, before CAROL DISERAFINO, Professional
Reporter and Notary Public, duly authorized to
administer oaths, on TUESDAY, OCTOBER 17, 2006, at
12:10 p.m., held at the offices of the Red Clay
Consolidated School District, 4550 New Linden Hill
Road, Wilmington, Delaware. There being present:

A P P E A R A N C E S:

JOSEPH M. BERNSTEIN, ESQ.
800 North King Street, Ste. 302
Wilmington, Delaware 19801
on behalf of Plaintiff

BARRY M. WILLOUGHBY, ESQ.
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on behalf of Defendants

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1 Delaware.

2 Q. When did you get your doctoral degree?

3 A. That was Summer '05.

4 Q. And when did you get your Master's
5 degree?

6 A. 1988.

7 Q. Now first I'd like to talk to you about
8 the 2003/2004 school year and, in particular, the
9 circumstances surrounding the hiring of Miss Mongelli.
10 Do you have any recollection of those events?

11 A. Yes.

12 Q. Can you tell me how it came about that
13 Miss Mongelli came to your attention as a potential
14 employee.

15 A. She was working through STS as a
16 substitute.

17 Q. What is STS?

18 A. STS is the organization we work with
19 that provides substitutes.

20 Q. That's an agency?

21 A. Yes.

22 Q. And Miss Mongelli was teaching at
23 Dickinson High School as a substitute?

24 A. Yes.

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1 school to work, you're working under the assumption
2 that whatever certifications they need have been
3 provided to the school district or to someone.

4 A. Can you rephrase that. I'm not sure --

5 Q. If a teacher is approved, if the hiring
6 is approved at the district level and they come to
7 work at the school, would it be fair to say that you
8 are working under the assumption that if they're
9 required to be licensed, that they have the required
10 licenses?

11 A. (No response).

12 Q. All right. We'll skip over that. I'll
13 drop that question.

14 MR. WILLOUGHBY: Okay.

15 BY MR. BERNSTEIN:

16 Q. When Miss Mongelli came on board as a
17 full-time teacher, my understanding is that occurred
18 in the latter part of January of 2004.

19 A. Yes.

20 Q. And would it be fair to say that she was
21 assigned to a Special Ed class?

22 A. She was assigned to a Special Ed class
23 as a temporary employee.

24 Q. Okay. Now temporary employees, there's

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1 to your attention that Ms. Mongelli was having
2 problems with some of the students in her class?

3 A. Yes.

4 Q. And how did that come to your attention?

5 A. She actually told me she was having some
6 problems.

7 Q. What did she do? Just ask to meet with
8 you? Drop into your office? Write you a memo?

9 A. It was in conversation in her room ...
10 outside of her room.

11 Q. Was it your practice to visit classrooms
12 and make kind of informal observations of teachers?

13 A. Yes.

14 Q. Would that be more so with new teachers
15 than veteran teachers?

16 A. Yes.

17 Q. And do you recall particular occasions
18 when you would make observations in Miss Mongelli's
19 classroom?

20 A. Yes.

21 Q. And were you able to make some informal
22 assessments of how Miss Mongelli was managing her
23 class?

24 A. Yes.

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1 Q. And do you have any opinions sitting
2 here today based on your observations of
3 Miss Mongelli's teaching abilities?

4 A. Can you rephrase that.

5 Q. Okay. Based on your observations, your
6 personal observations, did you form any opinions based
7 on those observations about Miss Mongelli's teaching
8 ability?

9 A. In my observations she was doing an
10 effective job.

11 Q. Now you said you had conversations with
12 Miss Mongelli about behavior problems with certain
13 students?

14 A. Yes.

15 Q. How specific were those conversations?
16 Did she mention the names of students or the types of
17 problems that were occurring?

18 A. I do not remember specifics in the
19 conversations.

20 Q. Did you give her any advice as to how to
21 deal with those problems?

22 A. I don't remember giving her any advice.

23 Q. Now as I understand it, at least in John
24 Dickinson High School, there was a system of Behavior

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1 Referral forms. Do you know what I'm talking about?

2 A. Yes.

3 Q. And how did that work?

4 A. The teacher writes the referral and that
5 goes to an assistant principal.

6 Q. And as I understand it there were three
7 assistant principals in 2003/2004.

8 A. Yes.

9 Q. And the referrals would be assigned to a
10 particular assistant principal based on the last name
11 of the student who was being referred.

12 A. Yes.

13 Q. The alphabet was kind of divied up?

14 A. Yes.

15 Q. And it was the teacher's responsibility
16 to initiate this process.

17 A. Yes.

18 Q. And physically once the teacher filled
19 out the form what would happen to the form?

20 A. The form goes to the assistant principal
21 and then they will actually meet with the student and
22 the teacher. There's communication with the teacher
23 also.

24 Q. Now I'm going to show you what has been

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1 marked as Kennedy Exhibit No. 2 and ask you if you've
2 ever seen that document before.

3 A. Yes.

4 Q. Tell me what that document is.

5 A. This is a discipline referral document
6 with a date range of August 1, '03 to June 16th, '04.

7 Q. And how would that document be compiled?
8 Would it be done manually or is there some database
9 that would generate that kind of report?

10 A. There is a database.

11 Q. And that database -- let me ask you how
12 that database is created, if you know. Do you know?

13 A. Yes.

14 Q. How is it created?

15 A. It's created by administrators inputting
16 the information into the computer.

17 Q. Okay. So one of the things that happens
18 when a behavior report is generated is that some
19 information about the report gets put in a database.

20 A. Yes.

21 Q. And the information would be the date of
22 the report; correct? Looks like the grade of the
23 student, the name of the student and a summary of the
24 behavior and the action that was taken.

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1 Q. And there's also the last item there.
2 You have, quote, "I recommend non-renewal of Melvin
3 Suggs, Jr., math, and Stuart Richardson, math."

4 So is that what you're talking about
5 when you say that's your input about hiring for the
6 next school year?

7 A. No. I was making a general statement
8 about the entire memo is a way of communicating.

9 Q. I'm sorry?

10 A. Will you give me the question that you
11 asked.

12 Q. At the bottom there it says in bold, "I
13 recommend non-renewal of Melvin Suggs, Jr., math, and
14 Stuart Richardson, math."

15 And my question is, is that the type of
16 input you would have in hiring or retention decisions?

17 A. Yes.

18 MR. BERNSTEIN: Have this marked as the
19 next exhibit.

20 (Deposition Exhibit Carmack No. 2 marked
21 for identification).

22 BY MR. BERNSTEIN:

23 Q. Mr. Carmack, I'm showing you what's been
24 marked as Carmack No. 2 and this is a memo dated

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1 April 22nd, 2004, from yourself to Diane Dunmon and
2 Debra Davenport with copies to some other people.

3 A. Yes.

4 Q. Okay. Were you the author of this memo?

5 A. Yes.

6 Q. And who is Diane Dunmon?

7 A. Diane Dunmon is director -- complete
8 title at that time, she was the director of our Red
9 Clay School District that worked with Human Resources.

10 Q. Now the body of this memo says, quote,
11 "Attached you will find the most recent John Dickinson
12 High School 2004/2005 staffing plan."

13 Now are staffing plans something that
14 are routinely prepared by you and transmitted to the
15 district for the upcoming school year?

16 A. Yes.

17 Q. What's the reason for or what's the need
18 to do that?

19 A. The need for that is it goes back to
20 your question about units. We get so many units and
21 we have to --

22 Q. When do you --

23 A. -- respond.

24 Q. When do you find out how many units

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1 other people get involved?

2 A. Other people get involved.

3 Q. Assistant principals?

4 A. Yes.

5 Q. If you make a decision that someone's
6 contract should not be renewed, is that something that
7 other people get involved in?

8 A. Human Resources.

9 Q. At the district level?

10 A. Yes.

11 Q. Now on this particular document it looks
12 like there is a three-page attachment that has
13 teachers' names and positions and unit numbers and the
14 total number of units looks like 61.

15 A. Yes.

16 Q. So would it be fair to say that that
17 three-page attachment is a proposed staffing for John
18 Dickinson High School for the 2004/2005 school year?

19 A. Yes.

20 Q. Now I notice in going through that list
21 that Miss Mongelli does not appear on that list.

22 A. That's correct.

23 Q. Okay. Now would the fact that her name
24 does not appear on that list mean that there was some

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1 recommendation being made that her contract not be
2 renewed?

3 A. Can you restate that, please.

4 Q. Okay. Would you agree with me that
5 Miss Mongelli's name is not on that three-page list?

6 A. Yes.

7 Q. Okay. Now my question is -- obviously
8 Miss Mongelli is teaching during the 2003/2004 school
9 year on a temporary contract; correct?

10 A. That's correct.

11 Q. Okay. Now what decisions would have
12 been made that resulted in Miss Mongelli not being
13 listed on the 2004/2005 roster?

14 A. One of the decisions for me would be the
15 certification of an individual.

16 Q. How do you get involved in
17 certification?

18 A. It's communicated to me by the
19 individuals in the building.

20 Q. Now did someone communicate to you that
21 Miss Mongelli did not have proper certifications?

22 A. Yes.

23 Q. And do you know who that was?

24 A. Miss Mongelli.

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1 Q. She told you she wasn't certified?

2 A. Yes.

3 Q. How did that come up?

4 A. Well, in a conversation she said she was
5 not certified in Special Education.

6 Q. Did you ask her whether she was
7 certified? I mean did she just walk into your office
8 and say Oh, by the way, you ought to know I'm not
9 certified in Special Ed?

10 A. I don't know if was in my office, but
11 she did say she was --

12 Q. This was something she volunteered?

13 A. (Witness moves head up and down).

14 Q. Just out of the blue?

15 A. I don't know if it was out of the blue.

16 Q. And when you learned this information,
17 what did you do?

18 A. I kept that as information.

19 Q. Were you surprised that the district
20 approved hiring somebody to teach Special Ed who
21 wasn't a certified Special Ed teacher?

22 A. No.

23 Q. Who didn't have any certifications?

24 MR. WILLOUGHBY: That's a different

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1 question. You mean certification besides Special Ed?

2 MR. BERNSTEIN: No. Just limited to
3 Special Ed.

4 THE WITNESS: Are you talking about --
5 try to clarify. Are you talking about this year and
6 this memo, or this year?

7 MR. BERNSTEIN: The 2004/2005 staffing
8 memo.

9 MR. WILLOUGHBY: Talking about Carmack
10 2?

11 MR. BERNSTEIN: Yeah.

12 THE WITNESS: Can you rephrase the
13 question.

14 BY MR. BERNSTEIN:

15 Q. Mongelli is not on the list.

16 A. Right.

17 Q. So I'm asking you why she wasn't on the
18 list, and your answer was she wasn't certified.

19 MR. WILLOUGHBY: That wasn't his whole
20 answer.

21 MR. BERNSTEIN: Among other things.

22 THE WITNESS: She communicated she was
23 English certified and I had no English openings.

24 - - -

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1 BY MR. BERNSTEIN:

2 Q. Did you have Special Ed openings?

3 A. Yes.

4 Q. And she told you she was not Special Ed
5 certified.

6 A. Yes.

7 Q. That's what she told you.

8 A. That's what I remember her telling me.

9 Q. Okay. Now did she tell you she had any
10 other certifications besides English?

11 A. I don't remember.

12 Q. Okay. And was there --

13 Other than the question about Special Ed
14 certifications, was there any other reason that
15 Miss Mongelli's name was not on the staffing list for
16 2004/2005?

17 A. No.

18 Q. That was it?

19 A. I had to put the list together based on
20 what I knew at that time, the positions I would have
21 open.

22 Q. For example, if you thought that
23 Miss Mongelli was just a bad teacher, wasn't doing a
24 good job, would that have been a reason not to put

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1 Miss Mongelli on the staffing list for 2004/2005?

2 A. Yes.

3 Q. Would that be memorialized someplace?

4 Is there some document that you may have prepared
5 indicating why a teacher was not being recommended for
6 a new contract?

7 MR. WILLOUGHBY: Are you then saying all
8 teaches or are you breaking it down by temporary --

9 MR. BERNSTEIN: No. Just Miss Mongelli.

10 MR. WILLOUGHBY: Temporary?

11 MR. BERNSTEIN: Yeah.

12 THE WITNESS: No.

13 BY MR. BERNSTEIN:

14 Q. Her name just wouldn't appear on the
15 list and that was it.

16 A. Yes. That's correct.

17 Q. And if her name is not on the list, the
18 district doesn't offer her a new contract.

19 A. I mean, that's a question for Human
20 Resources.

21 Q. All you do is send in the list of these
22 are the people were gonna be on board, 2004/2005, and
23 the district takes it from there.

24 A. Yes.

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1 Q. And they would either send out a new
2 contract or not send out a new contract.

3 A. I'm sure that that's some of their
4 options.

5 Q. Okay. Now when teacher contracts are
6 not gonna be renewed, isn't there a State law
7 requirement that the teacher has to be notified by a
8 certain date of a non-renewal? Do you know anything
9 about that?

10 MR. WILLOUGHBY: You can answer if you
11 know. What's your understanding?

12 THE WITNESS: I know that there's a date
13 but I don't deal with that.

14 MR. BERNSTEIN: Okay. That's fair
15 enough.

16 BY MR. BERNSTEIN:

17 Q. I may have asked you this before. If I
18 did I apologize.

19 Were there openings for Special Ed
20 teachers in 2004/2005?

21 MR. WILLOUGHBY: At Dickinson?

22 MR. BERNSTEIN: At Dickinson.

23 THE WITNESS: Yes.

24 - - -

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1 BY MR. BERNSTEIN:

2 Q. And is that indicated on Carmack No. 2?

3 A. Yes.

4 Q. And where is that indicated?

5 A. There is -- (47) and (50).

6 Q. Unit 47? Is that what you're referring
7 to?

8 A. Yes.

9 Q. On Line Unit 47, SP ED means Special Ed,
10 and that's an unfilled slot?

11 A. Yes.

12 Q. And also on (50) --

13 A. (No response).

14 Q. -- correct?

15 A. Uh-huh.

16 Q. So there are two Special Ed slots --

17 A. Right.

18 Q. -- that were unfilled for the next year.

19 A. Yes.

20 Q. Would it be fair to say that you would
21 have put Miss Mongelli's name on one of those slots
22 but for this certification issue?

23 A. I would say no.

24 Q. You would not?

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1 don't necessarily wind up back on the list.

2 Q. Okay. Well, you have a need for at
3 least two Special Ed teachers; correct?

4 A. Correct.

5 Q. Okay. Now you have someone who is on a
6 temporary contract like Miss Mongelli who is already
7 in the school, already teaching. Now what would cause
8 you -- is it just the fact that there's a temporary
9 contract not to put her name on the list? Does that
10 automatically disqualify --

11 A. I believe State law has a major effect
12 on this and Human Resources could clarify that we need
13 to find certified teachers or make a good-faith effort
14 to find certified teachers prior to putting a
15 temporary contract into place.

16 Q. And who would within the district know
17 about those things?

18 A. Debra Davenport.

19 Q. Let's say apart from concerns about
20 certifications or temporary contracts, what other --
21 were there any other reasons that would have caused
22 you not to put Miss Mongelli's name on the staffing
23 list?

24 A. Another reason would be classroom

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1 management concerns.

2 Q. And what were those?

3 A. When we looked at the list of 82
4 referrals for example, that shows that there may be a
5 classroom management issue.

6 Q. Now Miss Mongelli was employed for
7 roughly five and a half months in 2004, mid-January to
8 the end of the school year; correct?

9 A. Correct.

10 Q. And according to the Exhibit No. Kennedy
11 2 there were a total of 82 referrals.

12 A. Correct.

13 Q. Is that an unusually high number of
14 referrals --

15 A. Yes.

16 Q. -- in your opinion?

17 And was that something that you
18 specifically had in mind or did you have to generate
19 some kind of document to refresh your recollection
20 about that?

21 A. I don't remember generating any
22 document.

23 Q. But my understanding is you're not
24 personally involved in the whole referral process at

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1 all; correct? The assistant principals handle that.

2 A. Right.

3 Q. And you kinda leave it to them; correct?

4 A. (Witness moves head up and down).

5 Q. So how would you know that there were
6 classroom management problems based on referrals if
7 you weren't involved in them?

8 A. Miss Mongelli told me she was having
9 classroom management problems.

10 Q. This is something she volunteered?

11 A. Yes.

12 Q. Did Miss Mongelli say anything to the
13 effect, You know ... teaching Special Ed is such a
14 headache that I don't really wanna come back here?

15 A. I don't remember that in the
16 conversation.

17 Q. Did she ever indicate anything to that
18 effect? You know, I've just had it? I'm not
19 interested?

20 A. She did emphasize that she was having
21 problems.

22 Q. Did she ever indicate to you that the
23 problems were so severe that she was not interested in
24 coming back to Dickinson?

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1 A. I do not remember that.

2 Q. Okay. So would it be fair to say that
3 the source of your impression that, or opinion,
4 whatever you want to call it, that Miss Mongelli was
5 having classroom management problems came from
6 Miss Mongelli?

7 A. Yes.

8 Q. Any other source?

9 A. The assistant principals.

10 Q. Did you ask --

11 When you heard this conversation from
12 Miss Mongelli, did you go back and ask one of the
13 assistants, Hey, what's up with Miss Mongelli? Is she
14 having management problems? Or how did that come
15 about?

16 A. We had the discussions. I don't know
17 how it came about.

18 Q. Discussions with one or more of the
19 assistant principals?

20 A. Yes.

21 Q. Other than certification, the status of
22 a temporary contract and this classroom management
23 issue, was there anything else that might have played
24 a role in your decision not to have Miss Mongelli on

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1 questions.

2 - - -

3 BY MR. WILLOUGHBY:

4 Q. I want to go back because I think there
5 was some confusion created by the way you were
6 questioned, and the first question I have is, when you
7 have a teacher on a temporary contract, is it your
8 understanding you have to affirmatively recommend that
9 they be rolled over to the following year for them to
10 be employed? Do you have to do something affirmative
11 on the list?

12 A. Yes.

13 Q. I'm looking at your memo. Looking at
14 Carmack 2, you say, "Also I have highlighted those
15 teachers listed as temporary employees. I recommend
16 that they be rolled over into the 2004/2005 list."

17 A. Correct.

18 Q. So am I correct that when you go --
19 This is -- just so we're clear for the
20 record, the first page of Carmack 2 is D96. When you
21 go to the actual listing of teachers at D97, D89 and
22 D99, your understanding and state of mind was that to
23 continue a temporary teacher, such as Mrs. Mongelli,
24 you would have to affirmatively include her on that

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1 list.

2 A. Yes.

3 Q. So the people that you identified who
4 were temporary contract employees that you
5 affirmatively included were the temporary contract
6 people that you were recommending be brought back.

7 A. Yes.

8 MR. WILLOUGHBY: That's all I have.

9 MR. BERNSTEIN: Okay.

10 - - -

11 (Deposition concluded at or about
12 1:17 p.m.)

13 (Deposition transcript was
14 presented to the witness for reading and
15 signing.)

16 - - -

17

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